MONTANA LEGISLATIVE HISTORY

Chapter 86 1999

Bill H _____ S 95 Original bill & history ✓ C

H. Committee on Local Gov			S. Committee on Local Gov.		
Hearing Date(s)	3-2	✓ C	Hearing Date(s)	1-12	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

1/25	2nd Reading Passed	47	2
1/26	3rd Reading Passed	45	4
	Transmitted to House		
2/16	Referred to Transportation		
3/03	Hearing		
3/23	Committee Executive Action--Bill Concurred as Amended	12	5
3/23	Committee Report--Bill Concurred as Amended		
3/30	2nd Reading Concurred	90	8
3/31	3rd Reading Concurred	91	9
	Returned to Senate with Amendments		
4/07	2nd Reading House Amendments Concurred	49	0
4/08	3rd Reading Passed as Amended by House	50	0
4/08	Sent to Enrolling		
4/10	Returned from Enrolling		
4/12	Signed by President		
4/13	Signed by Speaker		
4/13	Transmitted to Governor		
4/15	Signed by Governor		
4/16	Chapter Number Assigned		
	Chapter Number 309		
	Effective Date: 4/15/1999 - Sections 11 and 13		
	Effective Date: 10/01/1999 - Sections 1-10, 12 and 14-25		

SB 95 Introduced by Grosfield, et al. *LC0478 Drafter: Vandenbosch*

Authorize Counties to Voluntarily Appropriate and Transfer Funds to Municipalities to Supplement the Cost of Infrastructure Development and Maintenance;...

By Request of Environmental Quality Council

12/21	Introduced		
1/04	1st Reading		
1/04	Referred to Local Government		
1/12	Hearing		
1/21	Committee Executive Action--Bill Passed	11	0
1/21	Committee Report--Bill Passed		
1/22	2nd Reading Passed	50	0
1/23	3rd Reading Passed	46	0
	Transmitted to House		
2/16	Referred to Local Government		
3/02	Hearing		
3/03	Committee Executive Action--Bill Concurred	13	0
3/04	Committee Report--Bill Concurred		
3/08	2nd Reading Concurred	85	14
3/09	3rd Reading Concurred	89	10
	Returned to Senate		
3/10	Sent to Enrolling		
3/10	Returned from Enrolling		
3/12	Signed by President		
3/13	Signed by Speaker		
3/15	Transmitted to Governor		
3/16	Signed by Governor		

3/17	Chapter Number Assigned		
	Chapter Number 86		
	Effective Date: 3/16/1999 - All Sections		

SB 96 Introduced by Stang, et al. *LC0477 Drafter: Vandenbosch*

Modify Provisions Governing Protest of Changes to Municipal Zoning Regulations;...

By Request of Environmental Quality Council

12/21	Introduced		
1/04	1st Reading		
1/04	Referred to Local Government		
1/12	Hearing		
1/21	Committee Executive Action--Bill Passed as Amended	8	3
1/21	Committee Report--Bill Passed as Amended		
1/22	2nd Reading Passed	37	12
1/23	3rd Reading Passed	39	7
	Transmitted to House		
2/16	Referred to Local Government		
3/03	Rereferred to Natural Resources		
3/08	Hearing		
3/11	Committee Executive Action--Bill Concurred as Amended	16	4
3/11	Committee Report--Bill Concurred as Amended		
3/27	2nd Reading Concurred	84	11
3/29	3rd Reading Concurred	79	21
	Returned to Senate with Amendments		
4/06	2nd Reading House Amendments Not Concurred	49	1
4/07	Free Conference Committee Appointed		
4/12	Hearing		
4/12	Free Conference Committee Report Received		
4/13	2nd Reading Free Conference Committee Report Adopted	49	0
4/14	3rd Reading Free Conference Committee Report Adopted	49	1
	House		
4/08	Free Conference Committee Appointed		
4/12	Free Conference Committee Report Received		
4/17	2nd Reading Free Conference Committee Report Adopted	82	15
4/19	3rd Reading Free Conference Committee Report Adopted	83	17
4/20	Sent to Enrolling		
4/21	Returned from Enrolling		
4/21	Signed by President		
4/21	Signed by Speaker		
4/22	Transmitted to Governor		
4/27	Signed by Governor		
4/29	Chapter Number Assigned		
	Chapter Number 492		
	Effective Date: 10/01/1999 - All Sections		

SB 97 Introduced by Stang, et al. *LC0475 Drafter: Vandenbosch*

Generally Revise Laws Relating to Local Planning and Subdivision Review;...

By Request of Environmental Quality Council

SENATE BILL NO. 95

INTRODUCED BY GROSFIELD L, COCCHIARELLA V

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTIES TO VOLUNTARILY APPROPRIATE AND TRANSFER FUNDS TO MUNICIPALITIES TO SUPPLEMENT THE COST OF INFRASTRUCTURE DEVELOPMENT AND MAINTENANCE; AMENDING SECTIONS 7-11-104 AND 7-11-1102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the Legislature encourages cooperation between local governments; and

WHEREAS, many communities are experiencing rapid growth and development outside the limits of incorporated municipalities and beyond the infrastructure facilities that they provide; and

WHEREAS, local governments may wish to cooperate to provide for and maintain public facilities that would encourage growth and development in certain geographic areas; and

WHEREAS, a willingness of local governments to participate in cooperative efforts to provide for public services or facilities may be restricted by uncertainties about governmental authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Transfer of appropriations to municipalities.** (1) The board of county commissioners is authorized to appropriate and transfer any funds not otherwise restricted by statute to municipalities for the purpose of supplementing the cost of construction or maintenance of public infrastructure facilities, projects, or services impacted by or made necessary by activities outside the jurisdiction of the municipalities.

(2) Transfer of funds between governing bodies must be voluntary and made only upon mutual agreement of the governing bodies.

(3) Funds transferred between governing bodies must be used only for the purpose agreed to, and the use of the funds must be fully accounted for and reported to the parties to the agreement.

Section 2. Section 7-11-104, MCA, is amended to read:

"**7-11-104. Authorization to create interlocal agreements -- issuance of bonds for joint construction.** One or more public agencies may contract with any one or more other public agencies to perform any administrative service, activity, or undertaking or to participate in the provision or maintenance of any public infrastructure facility, project, or service, including the issuance of bonds for the joint construction of a facility under 20-9-404, that any of the public agencies entering into the contract is authorized by law to perform. The contract must be authorized and approved by the governing body of each party to the contract. The contract must outline fully the purposes, powers, rights, obligations, and responsibilities of the contracting parties."

Section 3. Section 7-11-1102, MCA, is amended to read:

"**7-11-1102. Services that may be provided.** (1) A multijurisdictional service district may provide only those services that are authorized to be provided by local governments.

(2) The services that a multijurisdictional service district may provide are:

(a) recreation programs other than park and recreation programs in a county park district established under Title 7, chapter 16, part 24;

(b) road, street, and highway maintenance;

(c) libraries;

(d) jails;

(e) dog control programs;

(f) ambulance service;

(g) dispatch service;

(h) protection of human health and the environment, including scenic concerns and recreational activities for areas requiring or involving environmental reclamation; ~~and~~

(i) health services and health department functions; and

(j) maintenance or provision of any public infrastructure facility, project, or service."

NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 6, part 23, and the provisions of Title 7, chapter 6, part 23, apply to [section 1].

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

- END -

HJ 29 SPONSOR: Barnhart, Beverly SHORT TITLE: Interim study of laws affecting local governments and local officials
REFERRED ON: 02/23/1999 HEARD ON: 03/18/1999
EXECUTIVE ACTION: 03/19/1999 Bill Concurred -- VOTE: 6 - 0
FINAL DISPOSITION 03/25/1999 (H) Filed with Secretary of State

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SB 1 SPONSOR: Mahlum, Dale SHORT TITLE: Revise reserve police officer residency requirement
REFERRED ON: 12/22/1998 HEARD ON: 01/07/1999
EXECUTIVE ACTION: 01/21/1999 Bill Passed as Amended -- VOTE: 11 - 0
FINAL DISPOSITION 03/17/1999 Chapter Number Assigned

SB 38 SPONSOR: Ellis, Alvin SHORT TITLE: Revise laws governing printing of ballots
REFERRED ON: 12/22/1998 HEARD ON: 01/14/1999
TABLED ON: 01/22/1999
FINAL DISPOSITION 03/01/1999 (S) Missed Deadline for General Bill Transmittal

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SB 74 SPONSOR: Miller, Ken SHORT TITLE: Prohibit requiring payment of outstanding charges for water or sewer hookup
REFERRED ON: 01/04/1999 HEARD ON: 01/14/1999
EXECUTIVE ACTION: 02/01/1999 Bill Passed as Amended -- VOTE: 7 - 3
FINAL DISPOSITION 02/04/1999 (S) 2nd Reading Indefinitely Postponed; Vote: 32 - 18

SB 95 SPONSOR: Grosfield, Lorents SHORT TITLE: Authorize county contributions to municipal infrastructure
BY REQUEST OF: Environmental Quality Council
REFERRED ON: 01/04/1999 HEARD ON: 01/12/1999
EXECUTIVE ACTION: 01/21/1999 Bill Passed -- VOTE: 11 - 0
FINAL DISPOSITION 03/17/1999 Chapter Number Assigned

SB 96 SPONSOR: Stang, Spook SHORT TITLE: Modify provisions governing protest of changes in municipal zoning regulations
BY REQUEST OF: Environmental Quality Council
REFERRED ON: 01/04/1999 HEARD ON: 01/12/1999
EXECUTIVE ACTION: 01/21/1999 Bill Passed as Amended -- VOTE: 8 - 3
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on January 12, 1999 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. Bill Glaser (R)
Sen. Don Hargrove (R)
Sen. John C. Bohlinger (R)
Sen. Duane Grimes (R)
Sen. Dale Mahlum (R)
Sen. Dorothy Eck (D)
Sen. Jon Tester (D)
Sen. J.D. Lynch (D)
Sen. Chris Christiaens (D)

Members Excused: None.

Members Absent: None.

Staff Present: Mary Vandenbosch, Legislative Branch
Jodi Pauley, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 95, 1/06/1999; SB 96, 1/06/1999; SB 97, 1/06/1999
Executive Action: SB 95 DP

HEARING ON SB 95

Sponsor: **SENATOR LORENTS GROSFIELD, SD 13, Big Timber**

Proponents:

Jane Jelinski, MACo
Steve Snezek, MT Assoc. of Realtors
Byron Roberts, MT Building Industry Assoc.
Gloria Paladichuk, City of Glendive and Richland Developers

Opponents: None

Opening Statement by Sponsor:

SENATOR LORENTS GROSFIELD, SD 13, Big Timber, opened on SB 95. He explained the planning that went on during the interim to come up with these bills. The EQC met this last interim and formed a growth study committee and looked at issues concerning subdivisions and the planning process of cities and counties. He said in most instances, planning processes take place during the subdivision proposal. Most counties and towns then have to think about growth and how they are going to manage this. The planning needs to happen before the subdivision comes before the board as subdivision regulations are not the appropriate place to address growth. SB 95 is to authorize counties to voluntarily appropriate and transfer funds to municipalities to supplement the cost of infrastructure development and the cost of maintenance. He said in the town of Big Timber there is a major mine development going on. The city of Big Timber could double because of it. The people that live outside of Big Timber don't want a bunch of 20 acre tracks all over the countryside, they want them in town. The town people are saying they don't have any money or infrastructure ready and they cannot do it. The question being raised is if a county entity can put money into a city's infrastructure. This bill addresses this and counties can put money into such a fund. If communities plan, then there should be some incentives to do development in certain areas. This encourages cooperation between local governments and looks at mutual funding needs.

Proponents Testimony:

Jane Jelinski, MACo, said that MACo supports this bill and they like the word voluntarily.

Steve Snezek, MT Assoc. of Realtors, said they support this bill and also believe the word voluntarily is important to this bill.

Byron Roberts, MT Building Industry Assoc., rose in support of SB 95.

Gloria Paladichuk, City of Glendive and Richland Co., said that Montana and North Dakota shared money on a project to build a bridge and this is a very good bill to share dollars within the county and city.

{Tape : 1; Side : A; Approx. Time Counter : 3:12 p.m.}

Opponents Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

SENATOR GROSFIELD closed on SB 95.

EXECUTIVE ACTION ON SB 95

Motion/Vote: **SEN. LYNCH** moved that **SB 95 DO PASS.**
Motion passed unanimously 11-0.

HEARING ON SB 96

Sponsor: **SENATOR BARRY "SPOOK" STANG, SD 36, St. Regis**

Proponents:

Jerry Sorensen, EQC
Mike Kadus, Mayor of Missoula
Steve Snezek, Assoc. of Realtors
Anne Hedges, MT Environmental Information Center
Byron Roberts, MT Building Industry Assoc.

Opponents: None

Opening Statement by Sponsor:

VICKI COCCHIARELLA, SD 32, Missoula opened for **SENATOR BARRY "SPOOK" STANG**, on SB 96.

Proponents Testimony:

Jerry Sorensen, EQC, said this bill was drafted as a concern for those communities who are having problems getting new development within their communities. Many cities have old zoning regulations and it is very difficult to get these changed. Currently if 20 percent of the citizens protest a zoning change it can be stopped

HB 579 SPONSOR: Sliter, Paul SHORT TITLE: Municipal infrastructure reinvestment
REFERRED ON: 02/10/1999 HEARD ON: 02/16/1999
TABLED ON: 02/18/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

HB 619 SPONSOR: Golie, George SHORT TITLE: Expansion of county group insurance through medical spending accounts
REFERRED ON: 02/13/1999 HEARD ON: 02/16/1999
TABLED ON: 02/17/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

HJ 29 SPONSOR: Barnhart, Beverly SHORT TITLE: Interim study of laws affecting local governments and local officials
REFERRED ON: 02/15/1999 HEARD ON: 02/18/1999
EXECUTIVE ACTION: 02/19/1999 Bill Passed -- VOTE: 16 - 0
FINAL DISPOSITION 03/25/1999 (H) Filed with Secretary of State

SB 1 SPONSOR: Mahlum, Dale SHORT TITLE: Revise reserve police officer residency requirement
REFERRED ON: 02/16/1999 HEARD ON: 03/02/1999
EXECUTIVE ACTION: 03/03/1999 Bill Concurred -- VOTE: 13 - 0
FINAL DISPOSITION 03/17/1999 Chapter Number Assigned

SB 95 SPONSOR: Grosfield, Lorents SHORT TITLE: Authorize county contributions to municipal infrastructure
BY REQUEST OF: Environmental Quality Council
REFERRED ON: 02/16/1999 HEARD ON: 03/02/1999
EXECUTIVE ACTION: 03/03/1999 Bill Concurred -- VOTE: 13 - 0
FINAL DISPOSITION 03/17/1999 Chapter Number Assigned

SB 96 SPONSOR: Stang, Spook SHORT TITLE: Modify provisions governing protest of changes in municipal zoning regulations
BY REQUEST OF: Environmental Quality Council
REFERRED ON: 02/16/1999
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

SB 166 SPONSOR: Lynch, J.D. SHORT TITLE: Revise responsibility for handling abandoned vehicles -- vehicle disposal fees
REFERRED ON: 02/16/1999 HEARD ON: 03/04/1999
EXECUTIVE ACTION: 03/10/1999 Bill Concurred -- VOTE: 14 - 2
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN CHRIS AHNER**, on March 2, 1999 at 3:00 P.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Chris Ahner, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Edith Clark (R)
Rep. Tom Dell (D)
Rep. Steven Gallus (D)
Rep. Bob Lawson (R)
Rep. Jeff Mangan (D)
Rep. Mark Noennig (R)
Rep. Trudi Schmidt (D)
Rep. Carley Tuss (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. David Ewer, Vice Chairman (D)
Rep. Roy Brown (R)
Rep. Toni Hagener (D)
Rep. Sam Kitzenberg (R)
Rep. Scott J. Orr (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kimberly Walkenhorst, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB1, SB95, 3/3/1999
Executive Action: SB1, SB95

HEARING ON SB1

Opening Statement by Sponsor: Sen. Dale Mahlum, SD35
{Tape : 1; Side : A; Approx. Time Counter : 0.6}

Proponents' Testimony:

Mike McMeekin, Missoula County Sheriff Department EXHIBIT(1)
{Tape : 1; Side : A; Approx. Time Counter : 3.3}

Greg Noose, Montana Law Enforcement Academy
{Tape : 1; Side : A; Approx. Time Counter : 4.1}

Robert Anderson Montana Sheriff and Peace Officers Association
{Tape : 1; Side : A; Approx. Time Counter : 5.6}

Opponents' Testimony: None

Questions from Committee Members and Responses:
{Tape : 1; Side : A; Approx. Time Counter : 6.2}

Closing Statement by Sponsor: Sen. Dale Mahlum
{Tape : 1; Side : A; Approx. Time Counter : 6.3}

HEARING ON SB95

Opening Statement by Sponsor: Sen. Lorents Grosfield EXHIBIT(2)
{Tape : 1; Side : A; Approx. Time Counter : 7.2}

Proponents' Testimony:

Steve Snezek, Montana Association of Realtors
{Tape : 1; Side : A; Approx. Time Counter : 15.5}

Byron Roberts, Montana Building Industry Association
{Tape : 1; Side : A; Approx. Time Counter : 16}

Opponents' Testimony: None

Questions from Committee Members and Responses:
{Tape : 1; Side : A; Approx. Time Counter : 17.2}

Closing Statement by Sponsor: Sen. Lorents Grosfield
{Tape : 1; Side : A; Approx. Time Counter : 25.7}

EXECUTIVE ACTION ON SB95

Motion/Vote: REP. BOOKOUT-REINICKE moved that SB95 DO PASS. Motion carried 13-0. Rep. Carly Tuss will carry.
{Tape : 1; Side : A; Approx. Time Counter : 27.7}

EXECUTIVE ACTION ON SB1

Motion/Vote: REP. BOOKOUT-REINICKE moved that SB1 DO PASS. Motion carried 13-0. Rep. Jeff Mangan will carry.
{Tape : 1; Side : A; Approx. Time Counter : 28.3}